

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH

YILI TSENG,)	
)	
Plaintiff,)	2:20-CV-01121-CRE
)	
vs.)	
)	
MADISON HARRIS, DOE 1, DOE 2,)	
DOE 3, DOE 4, DOE 5, DOE 6, DOE 7,)	
DOE 8, DOE 9, DOE 10, DOE 11, DOE)	
12, DOE 13, DOE 14, DOE 15,)	
)	
Defendants,)	

ORDER TO SHOW CAUSE

AND NOW, this 30th day of July, 2020, it appearing to the Court that diversity of citizenship between the parties has not been conclusively established, IT IS HEREBY ORDERED that Plaintiff shall show cause, by **August 13, 2020**, why the instant case should not be dismissed for lack of jurisdiction.

In Plaintiff's complaint, he sets forth state-law tort claims for defamation *per se* and conspiracy. *See* Compl. (ECF No. 1) at ¶¶ 13-20. Thus, Plaintiff has not established this Court's jurisdiction pursuant to 28 U.S.C. § 1331 (federal question jurisdiction).

To establish diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1), a plaintiff must establish that plaintiff and defendant(s) are "citizens of different States." Furthermore, this Court's jurisdiction is based on the facts in existence at the time the complaint was filed. *Grupo Dataflux v. Atlas Global Group, LP*, 541 U.S. 567, 575 (2004). "The party asserting diversity jurisdiction bears the burden of proof. A party generally meets this burden by proving diversity of citizenship by a preponderance of the evidence." *McCann v. Newman Irrevocable Tr.*, 458 F.3d 281, 286 (3d Cir. 2006) (internal citations omitted).

Here, Plaintiff avers that he believes “some defendants ... reside outside Pennsylvania.” *See* Compl. (ECF No. 1) at ¶ 2. An allegation that some unnamed defendants reside outside of Pennsylvania falls short of meeting Plaintiff’s burden. Thus, Plaintiff shall file a response with this Court no later than August 13, 2020, alleging sufficient facts to establish this Court’s jurisdiction.

Failure to comply with this Order may result in dismissal of the case.

BY THE COURT:

s/Cynthia Reed Eddy
Chief United States Magistrate Judge